



DATE: NOV 8 1993

CASE NO.: 93-JSA-3

In the Matter of:

DONALD R. SCOTT,
Complainant

v.

CULLMAN EMPLOYMENT SERVICE OFFICE,
Respondent

ORDER TO SHOW CAUSE

This matter arises under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. § 49, et seq., and the regulations issued thereunder at 20 C.F.R. Part 658.

On July 27, 1993, the hearing file for this matter was received in this Office and given the above captioned case number. Thereafter, on August 17, 1993, the undersigned issued a Notice of Docketing which afforded all parties twenty (20) working days to submit any legal arguments and supporting documentation that they wished to have considered in this case. See 20 C.F.R. § 658.424(b). Additionally, all parties were given the opportunity to make arguments for a hearing or to have a decision made based on the record. On September 15, 1993, both the Regional Administrator and the Alabama Department of Industrial Relations filed briefs in accordance with the August 17th Order. Neither party requested a hearing.

On September 13, 1993, the Complainant called the this Office and said that he had never received the August 17, 1993 Notice of Docketing. Although the Service Sheet indicates that the Complainant was served with that Order, this Office sent the Order to the Complainant via overnight mail. The Complainant was instructed to explain the circumstances which contributed to a late reply to the August 17th Order. To date, no response has been received from the Complainant.

In light of the foregoing, Complainant is hereby ORDERED, within twenty (20) days from the issuance of this Order, to comply with the August 17, 1993 Notice of Docketing. Failure to comply with this Order may result in a decision pursuant to 20 C.F.R. § 658.425(a) (3) which states, in pertinent part, that the Administrative Law Judge may, "[r]ule that reasonable

cause exists to believe that the appeal has been abandoned. . . ." See also 29 C.F.R. § 18.6(d) (2) (v).

JOHN M. VITTONI
Deputy Chief Judge

JMV/eca